

A BRIEFE
TREATISE OF
VSVRIE, MADE BY
Nicolas Sander D. of
Diuinitie.

Luc.6.

Mutuum date, nihil inde sperantes.

Geue to lone, hoping for nothig therof.



LOVANII,
Apud Ioannem Foulerum, An. 1568.
Cum Priuilegio. Subfig.
De La Torre.

A BRIEF
TREATISE OF

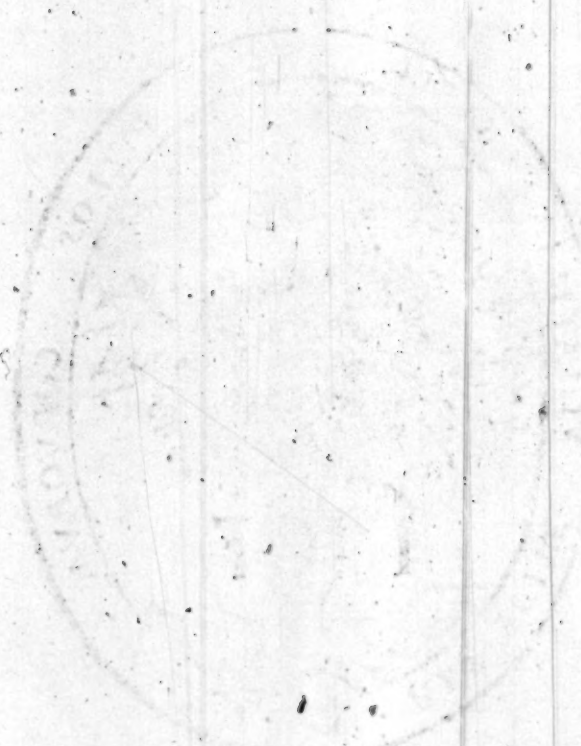
THE ARTS AND MYSTERYES

OF THE CITY OF LONDON

IN THE

REIGN OF KING CHARLES THE FIRST

BY JOHN DE Witt



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A BRIEF TREATISE OF VSVRIE.

The occasion of this Treatise, and the arguments which are commonly made for the defence of vsurie, and what is vsurie.

The first Chapter.



Did not intrude my selfe (good Reader) to make this Treatise , but was forced ther-vnto, by verie necessitie: except I would wilfully suffer my Christian brethern to runne hedlong into vice, and to defend that for lawful, which is vtterly against the ordinance of God. And suerly when I saw, that a sinne was not only committed (which cometh of the fraykie of man) but was also defended: then

A ij

I thought

OF VSURIE.

I thought it my dutie, not to holde my penne any longer.

The matter I speake of, is vsurie, in defence whereof thus I haue heard diuerse mé reason at seuerall tymes. I haue (sayeth he) a poore stocke of money lawfully gotten, it lyeth by me idely, and it will quickly be spent, if it be not occupied. I was not brought vp in the trade of merchandise, I haue wife and childré, who are like to begge, vnlesse I prouide some perpetuall reliefe for them. In this case what shal I do with my money but imploye it so, that it might not be lost, and yet might bring me some yearely profite?

Agayne, I lend it to such a merchant whom I knowe to take commodity and no hurt therby: why then may I not take profite of mine owne money together with him?

him? or why should he enrich him
 selfe with my money, and not be
 bounde to geue me some part of
 his gaine? Hereunto when I made
 answer, that the word of God did
 forbid vsurie: he replied, that he
 thought it was rather a counsell ge-
 uen in Gods word to auoide ex-
 treme taking of vsurie, then any
 such precept as bound men to the
 obedience therof vnder the paine
 of euerlasting damnation. Nay (said
 I) that can not be so. For the
 Church hath taken it to be a com-
 mandement which must be kept
 vnder the paine of damnation, and
 therfore it hath forbidden open v-
 surers to be admitted to the comu-
 nion of the altare, and to be buried
 in holy ground, and their offerings
 to be receaued, vnder the paine of
 suspension to him that burieth, or
 els receaueth their oblations.

Exod. 22.

Leuit. 25.

Psal. 140.

Sub Alexā
dro tertio
in Concil.

Lateranēse

c. 25.

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Here

OF VSURIE.

Here began a new disputation, which is the true Church, and what power positive lawes haue. Ye the word of God (according to these new interpretations) is also brought forth ; that such vsurie as byteth him sore who borroweth, is in dede forbidden (for in the Hebrew vsurie is named of byting) but not suche as doth bring commoditie, as well to the borrower, as to the lender. I wondered to see what shift the deuill made, to maintaine that most heinous crime of vsurie, in so much that he hath found the pretense of holy scripture and of Gods word for it.

To make short the disputation, and to cut of th'vnprofitable talke of wordes and names, I sayd at the last (which nowe God willing I wil proue) vsurie is vtterly against God

God and Nature, even as mankil-
ling is. And therefore whatsoe-
uer the holy Scripture or the
Catholike Church hath decre-
ed thereof, yt hath decreed yt as
against one of the greatest mor-
tal finnes that can be. So that
nowe it is my part to shewe, how
vsurie is not only against the coun-
sel of God expressed in the holy
scriptures, but also against his will
and commaundement: the breach
whereof is euerlasting death. as it
shall appere both by the circum-
stance of the places wherein it is
forbidden, and also by the reason
of the forbidding, this only being
first knowen: that, *vsurie is all ma-
ner of gaires, which is either bar-
gained or hoped for by the force of
the contract of geuing to lone, whe-
ther monie be lent, or oile, corne,
wine, or any like thing that is spent*

VWhat is
vsurie.

A iij

With

OF VSVRIE.

Real vsu-
rie.

Mentall
vsurie.

With the first natural and proper use thereof: for when the use of that thing which can be but once used of the borrower without the spending thereof and which by the very deliuey to thend it may be used, is alienated from the lender, is payed for: that is real vsurie. and when the lender hath a desire to be paid for the use of that thing, that is mental vsurie.

That vsurie is forbidden by Gods lawe, vnder the paine of euerlasting damnation.

The second Chapter.

IF men had now that obedience and faith which they once had, and still should haue: it had sufficed to haue sayed in one woorde, *The Church condemneth vsurie, and forbid-*

forbiddeth it as a mortal sinne. He
 that heareth not the Church, is to Mat. 18.
 be taken as an heathen and a Pub-
 lican. But nowe if we answer so,
 they will demaund which is the
 true Church, where is it, or how
 can we be assured, that it erreth
 not? For whiche cause I am con-
 strained, to geue an accompt of
 the Churches doctrine touching
 vsurie.

And for as muche as the au-
 thoritie of the Church being once
 called into question, the Scrip-
 tures also (whiche were geuen
 onely to the Church, and are
 knowen by her tradition, and by
 her vnwritten witnesse) can not
 keepe their creditte, but are ex-
 pounded accordinge to euerie
 mans lust and phantasie: I must
 also be forced, to resort vnto na-
 tural reason, and thereby to shew,
 that

OF VSURIE.

that vsurie is of it selfe naught and vnjust. For albeit the rule of reason may not stil be folowed, for as much as the articles of our faith depend not vppon natural reason which is common to all men; but vpon the reuelation of *Iesus Christ* who powreth his gistes into the hartes of the faithfull abundantly: yet nowe it shall not be amisse to proue, that vsurie is against natural reason, because it is a matter of iniurie and of ciuil iniustice, whereof reason may iudge. But who so is not able to reache vnto the depth of reason, that he may at the least not lacke the authoritie of Gods word: I wil first declare, that the word of God sheweth vsurie to be a great sinne.

*The word of god sheweth
vsurie to be a
great sinne*

Exod. 22.

It is written in the olde testament after this sort: *Si pecuniam mutuum dederis populo meo pauperi qui*

qui habitat tecum, non urgebis eum quasi exactor, nec usurus opprimes. If thou shalt geue monie to lene vnto my poore people which dwel-
deth with thee, thou shalt not be in-
stant vpon him as an importunate
wringer, neither shalt thou op-
presse him with vsurie. First this
precept standeth emōg other mo-
ral preceptes, which are to be kept
of necessitie. For a litle before it is
forbidden, that *witches should be*
suffered to lyue, or those that had lyen
with beastes, or those that should of-
fer sacrifice to any, saving to God a-
lone. The people were also forbid-
den, to hurt a childe, or a widow. Af-
ter which preceptes, this of vsurie
soloweth.

Exod. 22.

Seing then it is ioyned with
those commaundements, which if
they be not kept, the breaker is
guyltie of euerlasting death: we
must

OF VSURIE.

must thinke also the verie same of vsurie. Neither may it iustly be layed against me, that not euerie vsurie is forbidden, but onely that whiche wringeth and byteth the poore: for both euerie vsurie dooth wring and byte, and euerie lending ought to be made vnto the poore. For lending is a kind of charitie, or of almofedeedes, which was instituted chiefly and only for the poore. Who seeth not then, that it is an abuse to lend monie to him, who hath as much, or more, then he that lendeth yt?

If then thou lend to the poore, saith God (meaning, that for other men the contract of lending was not made) thou shalt not byte him nor wring him. To lende vnto the poore, that is in dede a counfel rather then a precept. and therefore it is not said, thou shalt lend monie to

lending

to the poore man. But if thou doe
lend him mony, it is the comande-
ment of God, not to take vsurie of
him, because that were to wring
him, and to byte him. Now as it ca-
not be but a great fault, to wring
or byte any mā: so is it much more,
to wring or byte him, who is alrea-
die poore and miserable.

Moreouer, this precept is ex- *Leuit, 25*
pounded by another lyke place.
If thy brother be impouerished, *ne*
accipias usuras ab eo; nec amplius
quam dedisti takethou no vsurie of
him, nor any more then thou did-
dest delyuer. Here he is called
our brother, which before was
called Gods poore people: and,
whome we were forbidden to
wringe or byte, of him we are
nowe forbidden, to take any
more, then we deliuerid vnto him.
For he that taketh one pēny more,
then

OF VSURIE.

then he delyuered : wringeth and
byteth him, as much as that penny
cometh to.

Dent. 23.

Agayne God sayeth : *Non fa-
nerabis fratri tuo ad usuram pecu-
niam, nec fruges, nec quamlibet a-
liam rem, sed alieno.* Thou shalt not
increase monie vpon thy brother
by vsurie, nor corne, nor any other
thing : but do that to thine enemy.
*Fratri autem tuo, a quo usura, id quod
indiget, commodabis.* Thou shalt lēd
thy brother that whiche he lac-
keth, without vsurie. The carnall
Iewes had certain infidels to their
enemies : whom as they might kil,
so might they oppresse them with
vsurie. But now seing euerie man
is both our neighbour, and our
brother : we may not take vsurie
of any man at al.

It is here farther to be noted,
that vsurie consisteth not only in
taking

taking gaynes of monie, but also in corne, or any other kynd of thing whiche may be geuen to lone, as it shal afterward be declared. For al that which by the way of lone is hoaped to be restored aboue that which was lent, maketh the lender guyltie of vsurie, and consequently of death, as in Ezechiel also we reade: *Dans ad* Exec. 18.
vsuram & amplius accipiens, non vi- Cr. 22.

uct. He that geueth (his monie or wares) to vsurie, and taketh more (then he gaue) shal not lyue. That is to say, he shal not enioy heauen, without he repent him of it.

Also when *David* had asked, who Psal. 14.
 should dwel in our Lordes tabernacle, he answereth (among other thinges) *he that hath not geuen his monie to vsurie*, meanig, that who-so hath geuen his monie to vsurie, shall not dwel with God.

Last

OF VSURIE.

Luc. 6.

Laſt of al Chriſt him ſelfe ſaith:
Date mutuum, nihil inde ſperantes,
 geue to lone, hoaping for nothing
 out of the lone it ſelfe, or in the
 reſpect thereof. Where, not only
 expreſſe bargaines for uſurie: but al
 hope alſo and expectatiō of gayne
 to riſe therby, is vtterly forbidden.
 For the verie greedines to receaue
 gayne by a liberal and free con-
 tract, maketh a man to be a ſynner
 in the ſight of God: becauſe for his
 part he turneth a free and charita-
 ble contract into the moſt wrong-
 ful and hurtful bargaine that cā be.
 For wherein he ſhould haue ayded
 the poore, therein he oppreſſeth
 them. And where he ſhould ra-
 ther haue loſt ſomewhat of his
 owne for Gods ſake, there he in-
 creaſeth his owne, and taketh a-
 way another mā's goods iniuriouſ-
 ly: as it ſhal more plainly appeare,
 when

when the matter of geuīg to lōne is fully declared. For this prohibition of vsurie in Gods lawe, is but the opening and making playne of the law of nature in that behalte.

Whence bargaines proceede, and vvhy Alms dedes are so acceptable to God.

The third Chapter.

SVche bargaines, couenantes, contractes, and obligations, as do vsually passe emong men, either proceede from liberalitie, or els from the necessarie vie of trafique. Those procede from liberalitie, wherein the one partie alone taketh commoditie, as in all free giftes and legacies. But those bargaines which are practised to and fro, for the necessitie of eche partie, ought to bring losse or gaine equally to eche of them: as

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in

OF VSVRIE.

in byeng and selling, setting, and taking to hyer, in felowship of merchādise, and in such like cases it cometh to passe. My purpose is at this time to speake only of the first kind of couenantes, and yet not of all them, but specially of geuīg to lone or lending, which in Latin is called *Mutuu*. Now albeit a donation or free gift, whē it is really deliuered, is not properly a contract: yet because many times a man bindeth him selfe by solemne promise aforehand, to geue a thing afterward, in this case there is a certain couenāt betwen them, which must be kept. Once that kind of doing or of bargaining, which is most liberall, or hath least hope of gaine or reward to be returned, is of all other most acceptable to God, and most honorable in it self, as coming nighest to the nature and workīg of Almightye

note this +

tie God: who first geuing vs freely
 faith and charitie, wherby we may
 do his will: afterward promifeth,
 and wil geue vs life euerlasting, if
 we beleue in him, and with his
 grace do kepe his cōmaundemēts.
 And yet for al this he looketh for
 no commoditie, by our faith or o-
 bediēce, but *we are stil vnprofitable*
seruātes, as touching any gaine that
 may rise to him by our seruice: but
 only he of his boundlesse mercie
 spreadeth his goodnes vpon vs, to
 enrich our miserable pouerty with
 his vnspeakable treasures and glo-
 rie. For this cause Almesdedes are
 so much cōmended in holy Scrip-
 tures: as in the which we geue and
 presently deliuer, or bynde our
 selues to geue and to deliuer our
 superfluous or profitable goodes,
 to our poore neighbours for Gods
 sake, and that although there be no

Ephef. 2.

Gal. 5.

Rom. 5.

Rom. 2.

*vnprofitable ser-
uante*

Luce. 17.

B ij

hoape

OF VSURIE.

hoape to receaue lyke kyndnesse againe of them .

LUC. 11.

A certaine Phariseie did on a time bid Christ to diner, and when he sawe Christ sit downe before he had washed, he wondered not a litle at yt. Then sayed our Lord to him : *Now yee Pharisees do make cleane the outmost part of the cup and of the platter, but that which is within you, is ful of rauening and of iniquitie. Ye fooles, did not he who made that which is without, make also that which is within? Howbeit geue almosse of that which is ouerplus in you, and lo, all thinges are cleane vnto you.*

By which testimonie the truth it selfe doth witnesse, that euen our dayly finnes and inward vncleannesse, are made cleane by Almosdedes. And therefore when *Zachens* had saied, *Behold, I geue halfe*

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halfe my goodes to the poore, and if **Luc. 19.**

I haue deceaued any man, I restore
fower dubble: Iesus answered, that
the same day saluation was made to
that house, for that he also was made
the sonne of Abrahā. Yea the very

*y^e very perfectio of a
Ioyfull man*

perfectio of a faithful man is shew-

Mat. 19.

ed by Christ to consist, in selling a-
way al thinges that he hath, and in

geuing yt to the poore. Which who so

doth and foloweth Christ, shal haue a

treasure in heauen. In so much that

on the day of Iudgement Christ

sheweth, that those who haue done

Mat. 25.

the workes of mercie, for his sake,

shal haue beauen for their reward,

and those who haue not done them,

shal go into hel fyer.

This being so, yt should not

*it should not
seeme*

seeme any vnwonted sute to Chri-

stian men, if I should exhorte them

to geue away al their goodes to

others who lacke, and so to fol-

B iij lowe

OF VSURIE.

low Christ. But now I aske not so much. It is now no world wherein to require any such perfection. I would thinke my selfe happy, if I were able to perswade men to geue away onely that which they haue superfluous and more then is needful. Nay neither that do I now aske which yet in cases of other mens neede, they are bound to do. But I aske and beseeche men only to auoyde and eschew those, whiche are extreme great sinnes, and most enemies to Almosdedes, I meane, vsury, and Symony. Of which Symony is committed in spirituall causes, vsury in tēporal and secular matters. Of Symony I wil not speak, either because the matter is not so hard, or intricate, and therefore is not lightly committed but vpon malice, which commonly is incurable: or els because those of the clergie, who most commonly are the me that fall

into that horrible vice, are themselves, or at the least should be so farre lerned, as to know that *Symō Magus* (vnlesse he repēted) had the sentēce of dānation pronōiced by *S. Peter* vpō him, because he went about to bie the giftes of the holy Ghost with money. And he that bieth or selleth a benefice, or any thing wherevnto the administratiō of the giftes of the holy Ghost is annexed, is in the same case for his degree with *Symō Mag^o*, except he so repēt as he ought to do, ād be absolued according as the Church hath euer vsed to absolue such crimes. But the matter of vsury is not so easie to vnderstād, as that of Symony, and therefore it needeth a longer discourse to declare the iniquitie thereof, which being one of the verie greateſt, yet through the ignorance or blyndnesse of

A. 8.

a benefice

OF VSVRIE.

men, is now growen out of knowledge, and is taken to be either none at al, or suerly no verie great fault. But how can that be a smal fault, which is cōtrarie to so great a vertue as almesdeedes is? Truth must be heard with patiēce, good Reader. *The woundes of him that loneth, are better then the deceitfull kysses of him that hateth.* Vsurie of it selfe is more contrarie to almesdeedes, then commonly robberie or theft is: because theft is most tymes committed of them that lacke, but vsurie is committed on-ly of them who are riche. The theefe as nighe as he can, wil neuer robbe a poore man: the vsurer doth commonly robbe poore men most of al. Theft is punished by opē lawes, vsurie is winked at, because it is a gētillmanly theft. Al men are ashamed of theft, but many men
pro-

Prove. 27.

*Usurie of it selfe is
more contrary to
almesdeedes then
the commonly robbery or
theft is*

professe vsury, and blush not much at yt, for that euil custome hath so long tyme borne with it. I speake not this of al kind of vsurers, but of the worst sort of them, whereas yet there is none at al good. But there is great oddes betwene open bargaining for vsurie, and priuie expecting of some reward. That is done without the feare of God, and therefore it is harder for to obtaine pardon, and needeth the greater penaunce: this is done with remorse of conscience, and therefore it may the more easely be forgiven, if vpon better information the grace of God be called for, who would all men to come to the knowledge of the truth, and so by his mercie and Sacramentes to come to saluation. 1, Tim. 2.

But you wil say perhaps, that some men sette out their monie to vsu-

OF VSVRIE.

Röm. 2.

vsurie, to th'end they may be able
to do good dedes with that gayne
with ariseth to them by vsurie. But
as wel might he say, that he would
robbe one man, to geue almose to
another. For to such the Apostle
saith: *Euill things are not to be don;
that good things may follow thereon.*
God in dede vseth to turne euil in-
to good. But that is able to be don
of him only, who can of nothing
make somewhat. For an euil thing
in that respect as it is euil, is nothing
at al, but is only a defect and saylig
frō som goodnes or other. But mā,
who is not able to turne nothing
into somewhat, or euil into good,
may not presume to do euil vpon
hope of a good thing to follow, si-
thens it is Gods only choise, whe-
ther any good shal follow thereof,
or no. And who so presumeth that
vpō his euil fact God wil work a
good

good effect, he presumeth of God.

And least I might seeme to write so weighty a matter vpon my own head: S. Ambrose saith without any

exception: *Si quis usurā accipit, rapinā facit, vita nō viuit*. If a mā receaue vsurie, he cōmitteth violent

robberie, he lyueth not euerlastingly. And S. Augustine saith,

Nolite eleemosynas facere de faenore & usuris. (& post) *Dona iniquorum nō probat Altissimus*. Be ye not of

the will to geue almose of that which is gottē by multiplieng your

stock, or by vsurie. The most high god alloweth not their giftes, who

gette the goodes which thei geue vniustly. And S. Gregorie saith: *That*

Almose pleaseth God, which is geuen of goodes, rightly gottē. Thus we see,

that it is not the geuing of almose which can make good the vsurers

fault: but when he hath rendered

his

In Decret.

14. q. 4. c.

si quis.

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Ep. 110.

OF VSURIE.

his owne to him whom he vniustly hath oppressed, then lette him followe *Zachens*, in geuing away his owne goodes (and not other mens) vnto the poore.

Of geuing to lone or of lending, vvhich are naturally free contractes.

The fourth Chapter.

3. **T**He first degree then of worthines in any kinde of external trafique appertaineth to almosedeedes, as I shewed before, because they come nighest to the great goodnes of God, who freely, and without any recompense hoped for, gaue vs his owne sonne, and al thinges beside with him.

Rom. 8.

The next degree of worthines after free gistes, belongeth to that liberal contract, which in Latin is called *Mutuum*, in English it is named

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med, geuing to lone, or lending. The Latin name is compounded of two wordes, *meum* and *tuum* myne; and thine, as if we might say in english Mynethine: whereby is met, that the thing which before was myne, is by lending made thine, to the end thou maist vse it; being thine owne, and the value thereof must again of thine be made myne when it is restored back vnto me: so that geuing to lone for the time that it dureth, differreth not from a free gift, but is as much to say as a gift for so long, whereas a free gift is a gift for euer, without any restitution at al. But whiles the thing it selfe is in thy handes, it is not now mine, nor in it self neuer shalbe, but I haue only a right to so much in quantitie, and to so good a thing in qualitie, as that was which I lent. In a free gift then I
can

OF VSURIE.

can not aske againe neither the thing it selfe, nor such an other thing: but in lone, I may require such an other thinge, but not the self same which I lent.

The better to vnderstand this kind of bargain, it to be knowen, that there are two kindes of lending. for whereas euerie lending is to thend the thing lent may be vfed of another man without my losse: the vse of a thing may be after two fortes.

And first to beginne with one, I may lend such a thing as without alienating or perishing may be vfed of another man, as it chanceth when I lend him my howse, my horse, my plate or vessel. He then that taketh my house to dwel in, may vse my house this day, and again to morrow and so for many monethes or yeares together, and

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yet my howse shall still remaine vnperished, although it may wast more and more. And the like doth chance in my horse, or any such thinge as is not spent with the first vse thereof. On the other syde, I may lend such a thing as cā not be imploied to his natural and proper vse, except either the proprietie of the same be alienated, or the thing it selfe doe perish: for example, yf I lend you a barrel of beere, you can not vse that beere to suche a purpose as beere is ordained vnto, except you drink it, or bestow it where it may be drunkē. Now whē it is once drunkē, yt cā be drunken no more, but it perisheth and ceaseth to be any longer beere. The like is scene in corne, in oyle, in wine, and in such other things as we vse to number, weigh, or measure: the chief vse
of al

OF VSPRIE.

of all which is to be spent with the first vse of them, and not to remaine stil his, whose they were before they were vsed.

Whereas then some thinges may be vsed of him to whome they are lent, without spending of them, as howses and horses, but other thinges can not be vsed, except they be alienated and spent, as corne, and wine: these two diuerse vses haue caused and made two diuerse contractes and bargaines. For that contract wherein the thing dooth perish together with the vse, is called in latin *Mutuum*. The other wherein the thing lent remaineth stil in his vse to whom it is lent, is called in Latin *Commodatum*. In english both contractes haue commonly one name, and are eche of them called *Lone*. But the natures of the thinges

things being diuerse, do require
 a diuerse handling of them, albeit
 both haue one name in our tonge,
 which may chauce either thorow
 the barraines of the tonge, or ells
 thorow the ignorance of the com-
 mon people, who vse not to
 name that diuersly, wherein they
 perceiue not an euident differēce.
 But we may reasonably englishe
Mutuum, a geuing to lone: and
Commodatum, a lending without
 any gift. For *Mutuum* is more then
 a lending, sithens the thing is both
 geuen and lent: geuen from me
 cōcerning the proprietie, and lent
 to another concerning that I bind
 him to restore the like quantitie of
 the same kind of things. This first is
 cōmon to both kindes of lending,
 that the thing lent, must be lent
freely and without bargayning for
 any certaine hyer or wages. For if

C

I lend

OF VSPRIE.

I lend my horse vpon a dayly pen-
sion, it is the contract of *Locatio* or
of setting out to hyer: and not the
contract of lending, or of geuing to
lone whose nature is to be alwaies
free and francke.

The difference then betwene
the two kindes of lending, is, that
when I lend such a thing as is not
spent ordinarily with the first vse,
the thing lent remaineth stil mine
owne. For when I lende my
booke to my frind (whiche is a
common thinge among scholars)
I doe not alienate the booke from
me, but I remaine still the lorde
and proprietarie of it, lending my
frind the vse thereof. But when I
geue to lone such a thinge, as is
straight, spent with the first vse
thereof: then not onely the vse,
but also the proprietie and domi-
nion thereof passeth from me to
him

him who boroweth yt. and godd
reason why. For al such thinges
are so principally made of God for
one certaine vse (as bread to be
eaten, wine to be drunken) that
the vse differeth not frō the thing
it selfe. Because they can not
dure any longer when they are
once vsed, but straight doe pe-
rishe, and become either another
thing, or at the least another mans
goodes.

In consideration whereof, he
that lendeth me suche thinges,
by the very lending, leeseeth the
propriety and dominion of them.
for ells I should spend another mās
goodes to his iniury, which is both
against reason and also against his
wil or intēt. For as he would haue
me take cōmoditie of his goodes
by vsing them: so would he not
hinder him self therewithal. But if

C ij

I should

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I should borrow a bushel of wheat of another man, and yet the same bushel of wheat should stil be his, I should either not vse the wheat at al in making bread thereof, or occupieng it otherwise (and then it doth me no seruice) or els I should spend yt being his, and thereby he should sustaine farther losse, then himselfe would agree vnto. For if I do spend another mans goodes by his consent, I am not answerable to him for them: no more then I should answer him his oyle againe, who should bid me throw it into the fyer.

So that if he that borroweth corne, should not straight become lord and maister of the corne, either he should neuer spend yt (and then yt serueth him not) or he should spend yt with the lordes owne consent, and then he were bound

bound to restore nothing at al, si-
thens the lord cōsented wittingly
to the spending of his own corne.
Which if it were so, no mā would
euer lend such thinges as be spent
with the first vse of them, except
he were disposed to geue them
away. And seeing fewe men are
prone to geue much, many poore
men should perish for lacke of
sustenance.

God therefore hath more
sweetely provided, that in suche
thinges as are spent and alienated
from vs when we once vse them,
the dominiō and propriety should
be in the borrower and spender of
them, to thēd he might boldly spēd
his own. and yet he should be bound
to restore so much again in nūber,
or weight, or measure, as thei came
vnto. Whereby the lender and also
the borrower is wel provided for.

OF VSVRIE.

Herevpon yt insueth, that who
so boroweth those thinges which
are geuen to lone, and are spent
with the first vse, must beare all
maner of peril. bicause euery thing
is alway at the losse of him, who is
lorde and maister thereof.

If then you borowe of me a
pype of wine, and immediatly the
wine be take from you by theues,
or be otherwise lost: I am not
bound to beare any of the losse,
but he only that boroweth it, be-
cause it is his wine, and not
myne. But it is otherwise when I
lend my horse to a man. For if the
horse perish, without any maner
of his fault who borrowed it: I
loose the horse, and not he (ex-
cept some expresse couenant be
made to the contrarie) because the
horse tarrieth still myne, and was
not his at al. Wherevpon Iustinian
saith:

saith: *Qui mutuū accepit, si quolibet* Instit.
fortuito casu amiserit quod accepit, Quibus mo-
veluti incendio, ruina, naufragio, dis re cōs-
aut latronum hostiūque incurſu, ni- trahitur
hilominus obligatus remanet. obligatio. *At*
is qui utendum accepit, sanè quidem
exactam diligentiam custodiendæ rei
prestare iubetur: sed propter maiore
vim, maioresue casus non tenetur, si
modò non ipsius culpa is casus inter-
uenerit. He that hath taken to
 lone, if he shal lose that which he
 tooke, by whatsoeuer casualtie or
 chaunce, as by fyre, by falling, by
 shipwracke, or by incursion of
 theues or of enemies, he remai-
 neth neuerthelesse bound. But he
 that toke a thing to vse, he is in
 dede cōmaunded to vse exact dili-
 gence in keeping yt: but he is not
 bound against greater force or mis-
 chance then he is able to resist, ex-
 cept the same hapned by his owne

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default. This verely is the lawe of nature, and the rule of reason, that euerie thing should be at his peril, who is the lord and owner of yt, except some other mans fault or some expresse couenant come betwene.

These thinges being so, it is to be knowen, that al coyne and monie, whether it be of gold, of syluer, of brasle, or of leather, is to be reputed and numbred among such thinges as are spent with the first proper vse of them. For monie is not like a booke, or a horse, which being vsed to day, may be vsed againe of the same man to morrow, and so one day after another: but monie is like to wheat, and to wine, which as soone as it is vsed to that end whervnto it was chiefly ordained, is spent and alienated from him that borrowed it. For if I
borowe

borowe tenne poundes of monie,
I can not vse those tenne poundes
(in spending them, so as monie is
commonly vfed) except I geue yt,
pay it out, or bye somewhat there-
with. And in al those cases the mo-
nie goeth from my hādes, so that I
haue no more power vpon it: nei-
ther can I vse it agayne, as vpon
the former lone, except I come
by it againe by a newe bargaine.

For this cause al the lawiers and
Philosophers, aswell those that
were before Christ, as those that
were after, and likewise all the
Christian Doctours, Bishopes, and
learned men haue with one ac-
cord rekoned al mony and coyne,
yea al mettalles which serue to bie
or to paie withall, emong those
things which are spent when they
are first vfed. These are the
wordes of Iustinian th'Emperour:

Mu-

OF VSVRIE.

Institut.
ibidem.

Mutui datio in ijs rebus consistit, quæ pondere, numero, mensuræue constant: veluti, vino, oleo, frumento, pecunia numerata, ære, argento, auro, quas res aut numerando, aut metiendo, aut appendendo in hoc damus, ut accipientium fiant. Geuing to lone doth cōsist in those thinges, which stand by weight, number, or measure, as in wine, oyle, corne, numbered mony, brasse, syluer, gold, which thinges we geue either by nūbring, by measurig, or by weighing, for this purpose, that they may be made theirs, who receiue them.


Here we haue not only a plain authority, that mony is one of the things which is geuen to lone: but also we haue a reason ioyned therewith. For if al things that consist in measure or weight, or number, be of those thinges which are geue to lone: seing it is euident, that mony
may

may be both weighed and numbered, yea sometymes also measured: it is clere, that mony is among those thinges, which being geuen to lone, are spent with the first vse, and not among those, which being lent, do stil remaine safe with him who vseth them. Now the reason why geuing to lone doth consist in such thinges as are weighed, numbered, or measured, is, for that those thinges, which can not be them selues restored againe to the former lord and maister of them, ought to be brought to an exact certainty, to th'end it may be euidently knowen, what he oweth who boroweth them. For no reason would, that he who lendeth me his goodes freely should thereby take any losse. Verely an exact certaintie is knowen by numbring, measuring, and weighing.

For

OF VSURIE.

For these tryals neuer faile. If then I lend a quart of old french wine, although I can not aske the selfe same quart againe: yet the measure of a quart maketh it certaine, how much he must paye who borroweth the wine of me. And he must paye not only a quart, but a quart of that kind of wine, and of that goodnes whereof it was.

 Hytherto we haue learned, first, that geuing to lone is a contract in nature next vnto almose deedes, or to a free gift, not differing at al from it, for the tyme that it dureth.

Secondly, that yt ought allwaies to be free: otherwise it is no lone at al, but a selling or setting to hyer.

Thirdly, that yt differeth from simple lending, because the proprietie of the thing geuen to lone, becom-

becometh his owne who borroweth yt, which is not so in simple lending.

Fourthly, it insueth herevpon, that in geuing to lone, the danger and losse is his only who borroweth, and not at al his who geueth to lone: because the lord of euerie thing alwaies beareth the losse, and not he who had nothing to do withal.

Fifthly, thinges geuen to lone be such as consist of weight, number and measure: as wine, oyle, corne or graine.

Last of all, monie is of those thinges which are geuen to lone, and cōsequently he is not lord of yt who lent yt, but he only who borroweth it. And therefore if the mony lent, be stolen, or doe perish by what soeuer mischance, without any default in the world of
him

OF VSURIE.

him who doth borowe yt: yet he that gaue it to lone, may with safe conscience aske so much again as he lent, and the borrower (if he be able) is bound to repaie yt.

How much it importeth, that the boundes and limites of euerie contract belonging to the law of nations, should be inuionably kept and maintayned.

The v. Chapter.

WHereas al good and honest lawes ought to be duly kept and obeyed, as by which the commō weale doth chiefly stand: yet specially those lawes are aboue al other to be euer y where mayntayned, which belong not only to particular cyties or states, but euen to the whole societie of all nations, and to the vniuersall fellowship of all mankind.

kind. For as the particular lawe is made vpon the particular reason and consent of some one people: so the generall ordinances of all countries are made, vpon the general reason and cōsent of al men in the whole world.

Any one people may be sometymes either blinded with affectiō, or deceaued for lacke of good instruction. And therefore their law being sometime vniust, may in that case be iustly neglected. But that which pleaseth al mē of al religiōs, of al studies, educatiōs, and sortes, can not fuerly be erroneouse or wrongfull, sithens the cōmon discourse and cōsent of al mē cometh only of God, who is the maker and gouernour of al. And consequently that wherein all men agree, must needes be suche a thing, as either nature it selfe taught them al, or

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al, or els great necessitie, publike profit, and long experience forced al men to agree vpon. And therefore who so breaketh that general decree and law of al nations, he is an enemie to the peace of mankind, and is vnworthie to lyue in any part of that fellowship, whose vnitie, concord and consent he goeth about to sette at diuision, discord, and variance. He is proud, seditiouse, foolish, vnkind, and to saye all in one woorde, vnreasonable.

If no man shal at al haue to doe with another, then is there battell byd to God him selfe, who made man in such sort, that he should be cumpanable and inclined to lyue in societie with other of his owne kind. And seeing so many kindes of byrdes and beastes kepe companie together accordingly as
their

their nature prouoketh them: shal only man, who is made lord ouer them all, be yet behind them all in this condition? To what purpose seemeth the gift of our speache, if we should not lyue with them who may heare and vnderstād vs? But if one man must and shal kepe companie with another, is yt not reason, that such order be taken in common for all, that euerie one may without iniurie to him selfe, or to his neighbour, prouide for him selfe, and followe that vocation wherein he is called?

And whereas euerie countrie hath not euerie thinge, but one countrie hath that which another lacketh: nature, reason, experiēce, and cōmon profit hath caused such orders generally to be agreed vpo, that euerie man of what soeuer nation or tong he be, may bar-
D gaine

OF VSURIE.

gaine or exchange his wares with another in such sort, that althinges shalbe done to eche parties commoditie, without losse or iniury to either of both. For seeing euerie man for his part is a member of the whole felowship of mankind, he must so keepe his owne place in the bodie where he liueth, that he neither put an other out of his roome, nor fayle to supplie his owne. so that al things must be don in such sort to our neighbours, as we would haue them to do towards our selues.

Which rule of nature is so true, so necessarie, and so profitable to al men, that when Christ gaue to his disciples the preceptes not on-ly of this mortal and transitory life, but also of life euerlasting, yet he saied vnto them: *Prout vultis vt faciant vobis homines, & vos facite illis*

illis similiter. Euen as you would that men should doe vnto you, do ye also lykewise towardes them. And S. Paule teacheth, that *if any* 1. Thessa. 4.
man deceaue his brother in any matter, God will reuenge yt. In so-much that yt were better not on-ly to suffer hurt and wrong then to do yt: but also when he hath suffered it, rather to forgeue yt, then 1. Cor. 6.
 to pursue the iniurie in open court and iudgement. How be it this latter point in dede is of counsel and perfection: but, not to doe any wrong to an other, yt is a commaundement, whiche of necessitie muste be kepte and obserued. Neither is yt harde to knowe, by what meanes we may avoyde to doo wronge, for as-muche as all manner of contractes and bargaynes, that can chaunce in mans lyfe, haue bene

OF VSURIE.

so exactly debated, limited and distinguished certayne thousande yeares past according to naturall reason: that whereas there are many kindes of couenantes and bargaynes, no one of them al can be broken by men, but they shal perceaue, that they do therein against the iudgement of reason, and so their owne conscience ought to controll their deede. And he is not worthie to be named a man, who hauing the gift of reason, wil behaue him selfe as if he were a beast. Or why is it accompted of our *Sauour Christ* so great a fault, *without cause to call our broother foole*: but because in deede it is a great fault if any man play the foole, or doth become as though he were not partaker of witte and reason?

For as yt is a great reproch and
flan-

Mat. 5.

flander to cal him traytour, who is not knowen so to be: and as the reproche is so great, because the fault of treason is most great: euen so is it a great reproche for a man indued with reason, to be called a foole, because it is a ~~great~~ fault in him to do otherwise then reason would haue him do. For when S. Paule called the Galatians *foolish*: Gal. 3. did he not then signifie, that they were extremely to be blamed for their grosse vnderstandings and opinion.

He that cometh to bargayne t with another man, either he hath a good intent, or an euil. If it be euil, he is rather malitiouse; then foolish: if yt be good, seeing the kyndes of bargayning are knowē, let him vse some one of them. He may lawfully bye or sel, lend or borrowe, sette or take to hyer,

OF VSVRIE.

trafique in merchandise, or ioyne in felowship, as he thinketh best for him selfe. But if he wil after fūethowſand yeares wherein the world hath ſtoode, and hath by cōmon conſent ordered and diſpoſed al couenants which belong to mans lyfe: If nowe he will vpon his own hed deuise a new kind of bargaine, or els wil change the former nature of the old bargaynes: doubtlesſe (whether yt be for lacke of wytte, or of vertue) he is no meete man to lyue in any common weale, or to be admitted to the ſocietie of reasonable men.

My talke goeth to this purpose, that the vsurer may vnderstand, the first point of his iniustice to be, in that he vseth a contracte vnknownen to mankind, ſuche as breaketh many other contractes,
and

and is a monsterrous deuise, more lyke to an Idol, that is, to an idle imagination of his owne couetous hart, then to any kind of couenānt that men haue hitherto inuented, as yt shal more playnly appeare by that whiche foloweth. And surely when *S. Paule* doth call *couetousnes the bondage or seruitude of Idols*, he there paynteth out no man so much, as he doth the vsurer, to whom most properly that name doth belong, for many causes which shal appeare by that tyme this discourse be ended.

In the meane season if I proue the vsurer to breake the contract of geuing to lone, which yet he doth and necessarily must vse: I doubt not but any reasonable man wil confesse, that he doth against the law of nations, which assigned certaine limites and boundes to that

OF VSURIE.

contract . And consequently that he is a great offender : as who doth iniurie to his neighbour, and doth not kepe the rule of reason which God gaue, as to this ende, that we should lyue together, as yt becometh reasonable creatures to lyue . And surely he that breaketh the sweete and gentill ordinance of God: shall be sure in th'end to be brought vnder the rule of his seuerer righteousness, and iudgementes, for that before he refused to lyue vnder his mercifull order . and so he that would not do to another that which he would wishe to be done vnto himselfe : shall suffer in him selfe iustly that, which he vniustly layed vpon another.

That

*That the vsurer in setting out his mony for
gayne, doth, and can not but geue his
monie to lone.*

The vi. Chapter.

IT may be, that some man reading this my declaration of the nature of geuing to lone, will graunt in dede, that if the vsurer intēded to geue his monie to lone, he did amysse. But (saith he) perhappes the vsurer is not of the mynde, to geue his money to lone: but to make some other kinde of bargayne. For he is not bound, when he doth geue out his mony, only to intend to geue his monie to lone: seeing there are other kyndes of bargayning made by consent of both parties, some of the which the vsurer may and doth imbrace.

To answer this obiection, it is
nedeful

OF VSVRIE.

needful to shew, how the vsurer,
(wil he, nil he) only myndeth and
doth geue his mony to lone . And
yet seeing he breaketh the whole
nature ad euery poynt belōging to
lone, it wil follow thereof, that he
must and doth vse that contract of
natiōs, which yet he doth not kepe
in any poynt, but vtterly breaketh
and abuseth the same . To geue
to lone by the law of al people and
cōtries is, to delyuer presently to
another man such stuffe as is spent
with the first natural and proper
vse therof, with bond to haue him
repay so much and so good againe
of the same kind. Thus the Grekes,
the Latins, the Iewes, the Philoso-
phers, the Lawyers, the Diuines,
and generally al the heathens and
Christiās take to be the nature and
true definition or descriptiō of ge-
uing to lone. Now the vsurer deli-
uereth

uereth his mony or corne presently to another man, the proper vse of the which mony, and the natural vse of the which corne, is, to be spent and alienated from the borrower when soeuer he vseth them. And the borrower is bound to repay the stock againe, to wit, the mony and the corn, as good, and as much as he receiued. Therefore the vsurer doth and must needs vse the contract of geuing to lone. For his very fact and dede necessarily importes somuch. And if we go by name through all the other contracts that euer haue ben deuised among men: it shal wel appere, that the said fact of the vsurer can be take to be no other contract, but only the contract of geuing to lone. If it were any other contract in all the world, it should be the contract of putting out to hyer. For it seemeth that the vsurer would
set

OF VSURIE.

set out his monie to hyer frō moneth to moneth, or yeare to yeare, as some men do their horses from day to day. But the vsurers deede cannot be that contract. For in putting out to hyer, the thinge which is set forth, remaineth his owne, and he onely is lorde and owner thereof who setteth it out: and the selfe same substāce which was deliuered, is restored againe to him without any change: As, he is lord and owner of the horse who setteth out his horse to hyer. For he letteth out only the vse of his horse to another man, reseruing the proprietie and lordship to him selfe, and the very same horse is restored to him againe.

But nowe when monie is deliuered to be vsed of an other man, it is not possible that the deliuerer should remaine still lorde and

and owner of the said selfe monie, in such sorte that the borrower should restore those verie peces which he had taken. for then he should not vse the monie at all: seing that by vsing yt, he changeth yt, and putteth yt away from him: so that he can not haue the same monie againe to restore yt to the first delyuerer therof. Wherefore when mony is deliuered to be v-[#]sed, yt can not possibly be the cōtract of setting to hyer.

Moreover the vsurer is not of this mynd him selfe, to haue the mony tarrie his owne stil. For then the daunger of leeing yt should be his also. But nowe yt is the greatest ground of vsurie, in that men wil not hasard at al their principal somme of monie (otherwise perchaunce they might haue more gaine, and that lawfully to, in the trade

OF VSPRIE.

trade of merchandise, either by them selues alone, or in felowship together with others. But whilest they will by all meanes be sure of their principall, and will aduenture nothing: they are doubtlesse of this mynde, not to haue it perish to their losse. If they will not haue it perish from them, they must nedes haue it made his owne monie, who boroweth it, and to haue him dettor, not of the very selfsame againe, but of so much in quantitie. For whilest the hundred poundes which I lend, is his to whom I lend it, and whiles he oweth me not the selfe same hundred poundes, nor any one thing that cā be pointed to, but another hundred in a general somme: thereby my hundred pouñdes are stil safe, and cā neuer perish. For no general quantitie doth euer perish, but on-
ly the

ly the particular thinges with are within some certaine place or circumstance. If then aboue al other things the lender wilbe sure of his principal : cōsequently his chief wil and intent is necessarily to alienate the principal somme from him self, and to bring it to a general dette of a like somme in what so euer other mony or thing. So that come what chance shall to the borower, the hundred poundes lent, may not perish, because they are limited nowhere, and thereby they are subiect neither to fyre, nor to water, nor to enemies, nor to theues.

If then the lender wil haue his principal safe in al euent, and yet it can not certainly be safe, except it be of a particular thinge made a generall dette : yt muste needes be, that the lender desyreth to haue his monie to be transferred
and

OF VSURIE.

and alienated from him selfe, and to be made his who borroweth it, to thend al the losse that shal happen, may come to the borrower, and not to the lender. Which being so, he that borroweth my mony, doth not vse nowe my monie, but his owne: for the mony which is myne, is a general some of a hundred poundes and not that which I deliuered. Otherwise yf it selfe tarie myne: as I may challenge my owne horse or coate, whersoever I find it: so might I challenge my owne hundered poundes. And then though it had passed thorow a hundered mens handes, I might claime it of him who presently had it in possession, which is ridiculousse to imagine: not only because I can not knowe my owne mony from other mens, but albeit I had a coine by my selfe (al which had

had bene only lent by me, and had bene none otherwaies alienated) yet al trafique would be muche hindred, or cleane taken away, if he that selleth his wares with a good conscience for ready mony, should be a feard, least he that lent the mony to the byer, might laye handes on it agayne, whilest it were in the sellers possession.

By all these reasons it plainly appeareth, that both the vsurer would haue his mony to be made his own who boroweth it, and yet if he would with it otherwise, the verie deede and the nature of the cōtract importeth so much, whereas in the contract of setting out to hyer he stil remaineth lord of the thing, who doth set it out. Therefore the vsurer doth not, nor cannot set out his mony to hyer, but he only doth geue it to lone.

E

More-

OF VSVRIE.

Moreouer that which is set out to hier, is vsed a long time together, as a house for many yeres, a horse for manie dayes. But the vse of mony dureth no longer, then whiles it is a deliuering to another man. That which is set to hyer brígeth either fruit to the borrower, as lands do, or seruice, as houses do: but mony serueth for nothing, but to be spēt, and that seruice it cā do but once. That which is set forth to hyer, cometh home most times the worse for the wering: but mony is not the worse to the geuer out therof, because it hath the same weight and number and valew whē it is repaied, which it had when it was deliuered. For al which causes mony cā not be set out to hier, but only is payd as det, or geuē in almose, or geuē for exchange, or geuē to lone, and whēsoeuer it is properly vsed, it is made
his

his, to whome it is deliuered.

Hovv heynouse, and hovv much against the nature of geuing to lone, and against the lavv of al Nations the vice of vsurie is.

The vij. Chapter.

THat the Reader may the better inform himself cōcerning the whole state of the matter, I wil first set foorth severally, what belongeth to the contract of lending, and afterward I wil shew, howe vsury doth breake all those poyntes which were provided by God, for the cōmodity of mākind.

First of al by an vsurer I meane him, who bargaineth or greedily expecteth for some aduantage to aryse aboue the principall corne, wine, or mony which he did lend. This much presupposed, I say:

The first cōdition of geuing to lone is, that it must cōsist in the present deliuey of that which is lent:

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other-

OF VSVRIE.

otherwise if the thing be not deliuered, it may be a promise of lending, but a lending it cā not be.

2.

The thing mutuated or geuen to lone must needes be made his owne, who boroweth yt : otherwise yt may wel be accommodated, that is, the vse of it may be only lent, but the thing it selfe is not geuen to lone, except it be made his who boroweth it.

3.

The thing geuen to lone must be made his freely who boroweth it : otherwise it should rather be solde or set to hyer, then geuen to lone, if all that is done should not be done without any respect of lucre.

4.

He that boroweth is not bound to restore the verie thing whiche he tooke, but only the value thereof : and that he is bound to doe in most precise maner, by number, weight,

weight, or measure.

When monie is geuen to lone,
the nature of it muste be keppe,
which is only to serue for exchāge
or price of all other thinges, and
not to make a gaine of the penny
yt selfe.

Thinges are geuen to lone na-
turally for another mans sake who
boroweth yt, and not for his who
lendeth.

Thinges geuen to lone, should
rather be geuen to lone to the
poorest sorte of men, then to the
richest.

The contract of geuing to lone
was inuented for the benefite of
common weales, that whilest he
that had the thing, did lend it to an
other who had it not, by that mea-
nes frindship might be maintained,
and the richesse of one might ease
the lacke of another.

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Nowe I say : all these former pointes of natural honesty and comoditie are broken, or at the least defaced by the vsurer, be the vsury which he taketh, or which he looketh for, neuer so small.

Concerning the first point of al, it is proued before, that euerie vsurer is necessarily a geuer to lone: and therefore he should keepe the nature of geuing to lone: but he hath broken yt diuerse wayes.

It is throughly agreed vppon betwene al men, that he who borroweth tenne poundes of me, is bound to repay it againe. Let vs then consider, how and why he is bound thereunto? Surely naturall reason sheweth, that he is bound to repaie the tenne poundes, because he tooke yt of me with this intent and condition of myne, that he should restore as much in value

value agayne. But were not this intent of myne ioyned with the deliuerie of the monie it selfe, he were not bounde to repaye yt. For if yt were deliuered with this intent, to geue yt him, or ells that he should onely carrie yt to another man: then he should not be bound to repay it.

Againe, if I deliuered not the tenne poundes, but onely intended to make an other man the dettor thereof, without, deliue- ring it to him at all: lykewise no reason would, that he should be bound vpon my onely intent, to pay that whiche he tooke not. Twoo thinges then must concurre to make the borrower owe me tenne poundes: the deliuerie of the monie: and the intent to make him dettor of it. If any one of these two fayle, he is no dettor.

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How

OF VSURIE.

Howe say we then in vsurie?
Admitte that I deliuer ten poundes vnto my neighbour with this intent, that he shall repaie the value of the same tenne poundes, and also tenne shillinges more by the yeare so long as he keepeth it: I say this intent of myne can not make him owe me the tenne shillinges by the yeare. For the contract of geuing to lone is a reall contract. that is to say, the obligation thereof dependeth onely vpon the thing which is deliuered in the way of lone. Somuch then and no more is naturally owed, by the way of geuing to lone, as is delyuered from hand to hand. But the tenne shillinges whereof we speake, was not at al deliuered to my neighbour: therefore he can not owe yt at al vpon the ground of taking my tenne poundes to lone.

lone. So that if I either take, or in my hart looke for the tenne shillings as my dette: I doe iniurie, and doe sinne against the commandement of God, who forbideth me not only to steale, but also *to couet another mans goodes.*

Exod. 20.

. objectio

If you say, that the other man consenteth to geue me the sayd ten shillings, and therefore that it is no iniurie to take yt: I answer, that he consenteth not freely vnto yt, but as he doth, who geueth his purse vnto a theefe vpon the high way for feare of a worse turne. For the borrower is only therefore content to geue the tenne shillings aboue the principall dette, because the naughtie maners of men haue now brought matters to passe in suche sorte, that without payeng the vsurie, he should not haue had the mony. But if euerie
thing

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• thing were as it ought to be: that
is, if geuing to lone were alwaies
free as it should be, then should no
vsurer require, neither any mer-
chant customably offer, a yearely
rent for the lone of monie. But
now although the borrower seeme
willing to pay it, and therefore is
5 thought to haue no iniurie: yet in
deede he payeth it no more wil-
lingly, then he that is in a tempest,
doth willingly cast out his goodes
into the sea: that is to say, he choo-
seth to pay it, because it would be
worse with him, if he payd it not.
11 For he feareth, that otherwise the
monie should be taken out of his
handes. And as the these, to whom
for safegard of my life, I delyuer
my purse, hath yet no right vnto
my monie, but wrongfully with-
holderh that which is not his: e-
uen so the vsurer that extorteth a
yeare.

yearely rent of the monie, doth therein vniustly, and is bound in conscience to restore it againe: except the borrower without all colour or cloaking doe franckely and freely geue it him, whiche surely in this respect is seldome to be seene.

But *Christ came into the world* ^{1. Ioan. 3.} *to vndoe the, workes of the deuill,* and to sette men againe at libertie, that al false pretenses (of geuing rewardes for monie borrowed) being taken away: he that borroweth may in dede haue the vse of the mony so freely, as God and natural reason hath ordained yt should be. Whervpon Christ sayd *Date mutuum nihil inde sperantes.* ^{Luc. 6.} Geue ye to lone, hoapig for nothig thereof: that is to say, of, or aboue the lone. And in that meanig S. Au^{In Psalm.} gustin saith: *Si facneraueris hoī, id est,* ^{36.} *Concio. 3.* *mutuam*

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mutuam pecuniam tuam dederis, à quo aliquid plus quàm dedisti expectes accipere: nō pecuniam solam, sed aliquid plus quàm dedisti, siue illud triticum sit, siue vinum, siue oleum, siue quodlibet aliud, si plus quàm dedisti expectas accipere: fenerator es, & in hoc improbandus, non laudandus. If thou sette foorth thy goodes for vsurie, that is to saie, if thou geue him thy monie to lone, of whome thou lookest to receaue anie thinge more then thow gauest, I saie not onelie mony, but any thinge more then thow gauest, whether that be wheat, or wine, or oyle, or what foeuer thing els: if thow lookest to receaue more then thow gauest, thow art an vsurer, and in that behalfe thow art to be reproued, and not to be praised. This much concerning the first point
of

of geuing to lone, which was, that by the nature of that contract no more could be owghed, then was geuen and deliuered by him that did geue to lone.

Now cōcerning the secōd point of geuing to lone, it hath bene sufficiently proued, that the thing geuen to lone, though it be monie, must be made his owne goodes, who boroweth it. so that the borrower is lorde of the monie the selfe same hower wherein it is deliuered vnto him by the way of lone. And how I pray you then can vsurie possibly stand with this point? Is it reason that a mā should pay for the vse of that whiche is throughly his owne. They are deceaued who thinke, that the borrower doth vse their monie. He doth not so. For the mony is made his owne by the very acte of re-

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OF VSURIE.

ceauing it: and he paieth right wel for it, in as muche as he taketh it vpon his own aduenture, and bindeth him selfe generally to repay so much, whatsoeuer becometh of the particular monie which he taketh.

If then the monie which is vsed be not mine, but only a lyke general summe is owing to me in the stead thereof (as it was shewed before) why shuld the borrower pay me for the vse of that, which now belógeth not vnto me? The summe which he oweth vnto me, is general: the summ which he occupieth is particular. If he pay vsurie for the general summe which is mine: it is iniurie, because he doth not occupie it. If he pay vsurie for the particular summe which he occupieth: it is also iniurie, for that summe he oweth not.

There-

Therefore if in right and truth +
we wil make any man dettor vnto
vs for the vse of our mony, we
must prouide, that the mony doo
tarrie stil ours. that is to say, we
must let the merchant occupie yt
as our baylie or factor: and so if it
be lost, to beare the losse: and if yt
be saued, to partake of the gayne.
But as that is farre from the vsu-
rers purpose: so is it farre out of
the way, that the merchant who
occupieth not the vsurers monie,
but his owne, should yet reward
the vsurer for that which is nowe
no more his. Againe, admitte the
merchāt did vse the vsurers mony:
yet no reason would beare, that he
should paie a yerely rent for that,
which being once vsed, is for euer
alienated frō him. If the borrower
alienate but a peece of the monie
which he toke, he vseth but a peece.

If he

OF VSURIE.

If he vse it all, he doth alienate all. If then he pay rent for the monie before the alienation thereof, he paieth rent for it, before he doth vse it. If he pay rent after the alienation, he paieth rent for it after that it is out of his vse. If he pay rent for the tyme whiles he is a vsing of it, seeing that is no longer then whiles he is a deliuering of it: by what iustice cā a yerely rent be due for a fact which dureth but a smal moment? Thus in al cases it is vtterly vniust, to pay any rent or pension for mony, or any other like thinge whiche was taken to lone.

3. Thirdly, whereas al geuing to lone ought to be free, seeing the vsurer is necessarily prooued, to geue his mony to lone, and yet his geuing is not free: no excuse can be brought, but that the vsurer breaketh

breaketh this point also . And yet this point of al other pleaseth God most , in so much that Christ exhorted men to this contract, *bidding them geue to lone, without hoping for any thing thereof.* Luc. 6.

We reade not surely, that Christ exhorted men to buy and to sell, or to follow the trade of merchandise . For he knew right wel, that al men are readie inough to make such exchanges as seeme to be for their commoditie. But because geuing to lone is a free and liberal contract , wherevnto fewe men are prone : therefore as he exhorted vs to geue almose , euen so did he exhort vs to geue to lone.

And the vaine glorious man offendeth God most greuously, who pretending to geue almose , doth in deede rather buye vaine glorie with his pennie dole, then exer-

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OF VSURIE.

cise anie charitable act: euē so doth he much more greuously offend God, who pretending to geue to lone, doth rather sel then geue his mony, there seeking for most filthy lucre, where euen the heathens confessed no lucre could haue place, as I shewed before out of the ciuil lawe. *

4.

The fourth point of geuing to lone, is, that the borrower is bound to restore that which he tooke, in most precise maner, to wit, by nūber, weight, or measure. Howe doth the vsurer obserue this point, when he taketh twelue for ten, three pōides for two, and fiue bushels of corne for sower?

It is notable to see, howe the goodnes of God hath defenced and warded the contracte of geuing to lone, as who foresaw, that it being the best and highest contract

tract of al next vnto almofededes,
yet shalbe of all other most hor-
ribly abused.

Al equality of exchāges and the
valeur of al thinges is most exactly
known by number, weight, and
measure. And geuing to lone con- +
7 sisteth only of such thinges as are
numbered, weighed, and measu-
red. So that no other contract is
so certaine, and so precisely boun-
ded, or limited, as this of geuing
to lone.

Therefore the more strong de-
fence and garde God hath pro-
vided to keepe æqualitie and iur-
stice in this contracte, the more
vniuste and the greater breakers
of Gods ordinaunces they are,
who notwithstanding require or
hope for more in number, weight,
or measure, then they did de-
lyuer.

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Let

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5.

Let vs nowe come to the fifth point, which belongeth peculiarly to monie alone. Many other thinges may be geuen to lone besides monie, as wine, corne, oyle, with such like. and vsurie may be committed, if more then was geue, be receaued in any of them. But when monie is geuen to lone (as in vsurie it cometh most tymes to passe) then is there a special deformitie also in that behalfe.

*Aristoteles
in Politicis
518.*

Is to be knowen, that monie was inuented by the common consent of men, specially to serue mans necessitie and commoditie, in chopping and changing thinges to and fro. For in the beginning he that lacked any thinge, as for example, a payer of shooes, he went to an other man that had shooes enough, and brought him suche stufte wherof him selfe had store,

as

as cloth perhaps, or skinnes, or some like matter to make an equal exchange betwene them both. So that thing for thing was exchanged: and that was the most simple and natural kinde of trafique betwene men. But experience declared, that this way at length was incommodiouse, and would not serue euerie mans turne. For some tymes he that had shooes which I lacked, had also cloth and skinnes aswel as I, and then he was loth to take my cloth for his shooes, seeing that he had cloth enough of his owne. For which cause wise men deuised, that some certaine mettall should serue the turne of al men. so that who so needed any stufte, he should take such a kind of metall or coyne (to witte, lead, or lether, and at the length brasfe) and for that he should receaue of another

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man whatsoeuer he needed.

Thus mettall was at the first esteemed by consent, and deliuered by weight: so that a pound of brasſe should be (for example) the price of a payer of shooes. And when it was found troublesome also, specially for them that went abroad, to carrie such weight of mettall about them, and to stand long in weighing it: in stead of a greate deale of brasſe, a litle syluer, and lesse golde was at the length inuēted. Yea then also it was farther deuised, that a certaine coyne or print should be set vpon the syluer or golde: so that we should not neede alwaies to weigh yt, but that the verie form should straight shew the value thereof.

Monie then was made to serue all exchanges, and to be alone the price of al other thinges. and therefore

fore it ought to be vsed none otherwise, then that thing was vsed, in whose place yt came. But neuer was any couenant or exchange made for this ende, that the thing whiche was throughly alienated, should be increased to his aduantage, who did alienate the same. For either a man geueth away some of his goodes freely, and then nothing at all therof is due to him againe in this worlde: or els he chaungeth some of his goods for other thinges, and then the thing that he deliuereth what so euer cometh of it, is on-ly fruitful to him that receaueth it. But neuer was there yet such a gift or such an exchange heard of, wherein the thing which I deliue- red out of my lordship and propri- etie, should thereby render the more fruit or profit to me againe.

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For

OF VSVRIE.

For that whereof men will take profite, they vse to keepe in their owne proprietie, and so either to vse it them selues, or to sette it out to be vsed for a pension, and not to geue it or exchange it vtterly away from them.

But the vsurer geueth away his monie to an other man, as it was proued before: and so doth it for this end, that his monie may there by bring him the more fruite and gaine. Whiche is vtterly against the end, for whiche either any other exchange, or mony it self was made. For it was made to bring all thinges to an equallitie, and to be as it were a rule and measure, whereby the value of all other thinges might quickly be knowen and easely counterpeised. But now the vsurer maketh monie to serue for the greatest inequalitye that cā be
be

be deuised of man. For where the
borower did receaue but tenne,
or some suche certaine number of
crownes, he maketh him a dettor
not onely of so many, but no man
is able to tel of how many: sithens
if the borower pay but twoo
crownes ouer by the yeare, in one
hundered yeares he shall paie for
tenne crownes twoo hundered
crownes: and yet shall he stil re-
maine dettor of the ten crownes,
also. And al this is done of the v-
surer by those tenne crownes
which he did put away from him
self, and made them another mans.
Was euer any suche thing heard
of? that by making my goodes to
be another mans, I should thereby
be the greater gayner: yea so farre
greater, that the gaine should be
without al measure or ende? For
those tenne crownes may from
age

OF VSVRIE.

age to age be onely sayd to continue in the bancke (as in some places it chanceth) and so within a thousand yeares they make increase of two thousand crownes.

Adde herevnto, that in case the poore man, who borrowed the ten crownes, do not pay his vsurie in ten yeres, he is then dettor of twenty crownes: of ten for the principal and of other ten for the vsury, which the vsurer begetteth and engendreth (as it were) to the intolerable losse of the borrower, and the excessiue gayne of him selfe: and yet these ten crownes be not his own al this while, although he picke out so great aduantage of them. Yea al this while thei be no where at al. For in one moment they were consumed and spent by him that borrowed them, and in place of them an Idoll is conceaued, which

whiche Idoll doth remaine confusely, not any where in nature and truth, but in name and imagination. For it is feyned, that the tenne crownes lye still in a certaine bancke, and there do begette litle ones, whiche agayne haue other litle ones. And whereas all other thinges die and perishe, and many beastes whiche nature made apte to increase, by casualties prooue barren: yet these tenne crownes, whiche by nature were barren, and in truth are spent: remaine still so fruitefull in the vsurers vaine imagination, and in the borrowers most greuouse pension, that if the world should stand for euer, they also should be immortal, and should neither die, nor euer become barren.

See ye not this Idol, which the Deuill hath consecrated in the world?

OF VSVRIE.

world? And he hath consecrated yt against the nature of monie, which was inuēted for other vses, and not at al for this.

6. Now foloweth the sixt point. For whereas the contract of geuing to lone was altogether instituted for his commoditie who borroweth the thing (as being a kynd of gyfte for the tyme, and al giftes are instituted for the receauers tēporal cōmoditie) yet the vsurer intendeth to directe his geuing to lone wholie for his owne commoditie, and therefore he tarrieth not vntil the merchant come to borrowe his mony of him: but he rather seeketh out a merchant who may take his mony to vsury. which is an euident peruerting of Gods ordinance, not only cōcerning the act of lending, but also concerning the end of the act.

Seuenth.

Seuenthly, whereas geuing to lone was instituted for the reliefe of the poore, that he to whome I would not, nor was not able freely to geue my mony: yet that he might at the least take commoditie by borrowing the same: nowe the vsurer doth ouerthrowe this point also, and seketh for the most substantiall merchant that he can heare of, as though it were an almose to cast water into the sea, or to helpe forward the richest merchant of all. And thus he abuseth the persons also, for whose sake the contracte of geuing to lone was instituted of God.

But you will say, shall no man then lend any thing to him that is riche? I say not so. But a man may be rich in one thing, and poore in another. A man may be riche in gold and syluer, yea he may abound
in

obiectio.

OF VSVRIE.

in victuals, in wine, and beere: yet perhaps he is without a cup of smal ale, which the Phyficiā saith to be better for hym, then any other kind of drinke. If then I lend this riche man a quart of my ale, I lend it to him as needing it, and as being poore in that behalfe. But it were farre otherwise, if whereas he occupieth certain thousand pōundes by the yeare, I would offer him my forty or fifty poundes in the way of lone. For here, seing I offer that vnto him, which would serue to set vp another poore man, and seing I doo it not for his sake, but for hoape of gaynes to my self, as trusting my stocke to be sure in his hands, and looking for yerely rent thereof: in this case (which is the case of vsurers) it may wel appere, that my intention is only to reise gaines of that contract: and by such
a one,

a one, to whom of al other I should least haue lent my monie .

For the last point of al, it is to be noted, that not only he is naturally iniured, who for mony, wine, corn oyle, or any like thing, payeth the ouerplus: but also the cōmō weale is extremely dāmaged therby. For the merchant, who taketh a hundred poundes of me, payeng me by the yere, ten, or six poundes ouer the principal summe : is constrayned so to sel his wares, that he may reise those tenne or six poundes aboue his ordinarie gayne. So that in the length the poore man, who cometh to bye the sayd wares by peecemeale, is burthened with his vsury, who had somuch idle mony, that he was able to set it out to hier to an other man. Now in case the merchant, who taketh the monie to lone, be not hable to reyse that
gayne

OF VSURIE.

gayne him selfe , which he geueth yerely to the vsurer for his monie: then by litle and litle he leeseeth his creditte , vntill at the last he become playne *Banckrupt* , and so he not only leeseeth his principal who looketh for gayne : but also manie other men, who made lawful bargaines with the sayd merchant, are defrauded of their right, and thereby made vnable to keepe towche with others , wherevpon ariseth from man to man, an infinite confusion and losse both of credit and of goodes.

Farthermore , how manie idle men doth vsurie cause to be in a realme? For whereas no gaines is either more easie then that which is gotten with another mans tra- uayle, or els more certaine then that which is without hazard of the principall (as at the least men thinke)

thinke) he that can gette once neuer so meane a stocke of monie, maketh accompte to lyue vppon the fruites thereof, and so spendeth his tyme in sportinge and playenge: whereas if the saied hoape of vsurie were taken from him, he should be constrained to take some other trade of life, which might be more to his owne honestie, and to the profite of the common weale.

To be short, where vsurie is licensed openly, there God muste needes be offended, because an vnjust law contrarie to his worde and will, is suffered to preuayle. And consequently as no priuate mans offence is least vnpunished at Gods hande, so muste the common weale, whiche permitteth so great an offence, looke also for a common punishment to fall vpon

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yt, si-

OF VSURIE.

yt, sithens God is infinitely iust,
and letteth nothing growe so farre
out of order, but that if it wil not
abide vnder the order of his mer-
cifull gouernement, it shall fall in-
to the order of his seuerer punish-
ment: least any thing that reaso-
nably ought to be done, might be
left vndone by his infinite wise-
dome and power.

Thus haue wee scene ma-
nie causes, whye vsurie is vniuste:
but none at all, why the lender
may take any pension for his
lone. If you saye you lacked
your monie a longe tyme: I aun-
swere, that in case you had any
knowen and certayne losse there-
by, which was not foreseene of
you when you lent yt, you may
aske the sauinge of your selfe
harmelesse: because that was pre-
supposed from the beginninge,
that

obiectio

that you woulde not geue out
your mony to lone, to your owne
hindrance. For as this contract
of geuing to lone can abyde no
gayne: so needeth it not to sustaine
any losse.

: But yf the monie would haue
lyen idely by you al that tyme (as
commonly it should haue done,
because they are either riche, or
starwthfull, who geue to lone)
then you do an iniurie vnto God,
in selling the time whiche is none
of yours. For if you wil haue wa-
ges only because your monie hath
ben a yeare in another mans hand,
wheras if it had bene in your own
handes, it had bene eyther loc-
ked vp in a chest, or ells commit-
ted to some hasard or peril: there is
no cause why you should aske the
sayd wages or pensio, but because ((
so much tyme hath passed ouer,

G ij

where-

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wherein he was your dettor , and the measure of the sayd tyme was not of your gift vnto your neighbour , but of Gods gift vnto you both . For selling of the which , you are lyke to geue an accompt vnto God.

Yea (but saye you) my monie had bene safer in myne owne coffer . I can not tell you that. For then a theefe might haue stolen yt , or fyre might haue consumed it . But nowe it is put out of all perill in his handes , who oweth a generall summe of so much in quantitie . Yea but perhappes he will not be able to repaye yt. If you thought so , you woulde not lend yt . For he that geueth his monie to vsurie , seeketh not the commoditie of the borrow-er , but onely , or principally, his owne.

Now

Nowe yf in the end it chance,
that the borrower is not able to
repay yt: that is not any excuse to
the vsurer, who cannot aske mo-
nie for that casualtie, whiche he
might vtterly auoyde by not len-
ding his monie at all. or yf he wil
needes lend his monie, he may
either take suerties or pledges for
the principall, without requie-
ring any vsurie of the borrower:
for the more vsurie the borrower
payeth, the lesse he is able to re-
pay the principall, in so muche
as he is made the poorer by pay-
eng the vsurie. But yf he payed
no vsurie at all, he should
be better able to re-
pay that whiche
he first bo-
rowed.

*G ij**That*

OF VSVRIE.

That the Heathens condemned vsurie,

The viij. Chapter.

BY the reasons before named the verie Heathens were induced and perswaded, that vsurie was agaynst nature, and consequently that it was a fowle crime, and a great sinne. In so much that the great Philosopher *Aristotel* speaketh thereof in this wise: *Optimo iure laborat odio negotiatio fœneratorum, quia ab ipso numo quæstum petit, non id propter quod inuentus est, quippe qui gratia mutandi fuerat inductus. Etenim fœnus auget numum, unde etiam cœpit hoc nomen. Similia porro sunt ea quæ pariuntur gignētibus: in fœnore numus paritur a numo. Quamobrem vel maximè præter naturam est illa quæstus faciendi ratio.* The trafique of vsurers is worthely

Lib. 1. Po
lyicorum.

worthely hated, because it seketh
 gaynes vppon the pennie : and it
 seeketh not that for the which mo-
 nie was inuented . For mony was
 inuented to make exchange with-
 all : but vsurie (exchangeth not,
 but) increaseth the pennie, wher-
 of also it toke his name (in Greke)
 Now those thinges which are be-
 gotten, are lyke to them by which
 they are begotten. In vsurie mony
 bringeth foorth mony: wherefore
 that kind of gayning is specially
 against nature.

The verie same thing saith *Plu-
 tarch* in a Treatise whiche he
 wrote, exhorting men not to haue
 to do with vsurers : *Quid, quod fa-* *Plutarch.*
neratores naturalia quoque deri- *quod non*
dent, quæ asserunt, ex nihilo nil *oporteat*
gigni posse : quandoquidem apud *generari.*
illos ex eo quod non est, neque vn-
quam fuit, usura generatur. (Et
G iiij post:)

OF VSVRIE.

post:) *Longè plus faeneratores in suis ephemeridibus imponunt, scribentes misero illi tantum mutuassee, cum tamen multò minus acceperit. Siquidem mendacium causa lucri, non necessitate, neque ob indigentiam, ab illis fieri solet, sed propter insatiabilitatem.* The vsurers do also mocke at those rules of nature, whiche affirme, that of nothing, nothing can be begotten. But yet among them, vsurie is begotten of that, whiche is not, nor neuer was. The vsurers put in much more in their counte bookes, writing that they haue lent suche a poore man this muche, whereas he yet hath taken much lesse. For they vse to lye for gaines sake, not for necessitie, or poouertie (whiche were the lesse euill) but for insatiable greedinesse.

Thus are three great abuses by
the

the wisemen of the verie heathens
reproued in vsurers. The first is,
in that they against nature will
make a barrē thing(as monie is) to
bring foorth as it were children,
that is to say, pence and shillings:
and this fault is common to all v-
surers. But the other two are on-
ly committed by extreme practises
of vsurie. The formost is, in that
they exacte vsury so long, that at
the last the dettor payeth vsurie,
not only for the principal summe,
but also for the verie vsurie it self.
As thus: Lette him borowe one
hundred pōides, payeng after the
rate of fower poundes in twen-
tie poundes euerie yeare for the
vsurie. If the first yeare he mysse
to repay his twentie poundes for
the hundred, the second yeare he
is dettor of six score poundes. and
that yeare his vsurie is twentie
fower

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fower poundes: wherin he payeth fower poundes for the twentie which he neuer receaued, but on-ly became dettor thereof by vsurie. and so euerie yeare after, if he omitte to paye the vsurie, he shall paye not only for the rate of the hundred poundes: but also as yf he had receaued al that, which he ceaseth to pay. So that whereas in all vsurie a barren thing doth bring foorth: in this later kynde, that also doth bring foorth, which is not onely barren, but is nothing at al, nor neuer was in the natural truth of thinges.

The thirde fault in great vsurers is, when to avoyde the payne of the lawe, they colour the matter so, that they write in the billes of debte, hym to haue borrowed of them a hundred poundes, who had but fower score.

When

When *Cato* the graue Senator of Roome considered these greates vices: he being asked, *What yt* Cicero. 2? *was, to lende out monie vppon v-* Offic. *surie: aunswered, it is no better then to kill a man.* The which saying of his *Tullie* rehearseth both for *Catos* prayse, and in the dispraise of vsurie.

That the Ciuil lawe doth not acknowledge vsurie to spring or arise of the nature of suchethinges as are geuen to lone, but rather to be contrarie thereunto.

The ix. Chapiter.

FORasmuche as some men pretend the defense of their vsury by the Ciuil law, which they say to be a sure defender of the law of nature: yt is also requisite, that

OF VSURIE.

that we declare, what the Ciuill law thinketh in this behalfe.

Vsurie hath his name of vsing, and thereby is meant the price or estimation of the vse of a thing. And because we may vse certaine thinges, the substance of them remayning safe, as when we hyer another mans ground, or dwell in an other mans house: in that case yt is lawefull to pay vsurie for the vse of the sayd house or landes. But when there is no vse of a thing without the losse and putting away thereof, or when the thing is diminished in substance by the dayly vsing of yt: that is not properly *Usus*, the vse, but rather, as Cicero and Vlpian cal yt, *Abusus*, the abuse. as yf we should saye in english, it is rather a wasting, then an vsing.

Those thinges that may be vsed
and

Cicero in
Topicis.

and yet remaine safe, may also render yearely rentes or fruites . and the lord of them may geue or bequeath the proprietie and ownorship of them to one , and the vse and fruite or profite to an other. Which thing can not be done in those goodes , whiche are wasted and spent by the vse of them, because the vse doth diminish the substance yt selfe . Wherevpon

Iustinian saith : *Constitutur usus-* Institut. de
usufruct.
fructus in fundo, & adibus, & cate-
ris rebus, exceptis his qua ipso usu ¶ Con-
consumuntur. Nam haec res neque na- stituit.
turali ratione, neque civili recipiunt
usumfructum, quo in numero sunt
vinum, oleum, frumentum, vesti-
menta, quibus proxima est pecunia
numerata. namque ipso usu assidua
permutatione quodammodo extin-
guitur. Ergo Senatus non fecit qui-
dem earum rerum usumfructum (nec
enim

OF VSVRIE.

*enim poterat) sed per cautionē quasi
 vsumfructū cōstituit.* Vse and fruite
 is assigned in landes, howses, and
 other thinges, sauing those which
 are wasted with the verie vse. For
 those thinges receaue no vse and
 fruite, neither by naturall, nor by
 ciuil meanes : of the whiche sorte
 wine, oyle, corne, and garmentes
 are, to whose nature nūbered (or,
 redie) monie approcheth next, be-
 cause yt is in maner worne in the
 verie vsing of yt by continual ex-
 chaunge. Therefore *the Senate*
 (of Rome which decreed concer-
 ning these matters) *made not vse*
and fruite of these thinges (for yt
was not able so to do) but it assigned
 as it were after a sort, how to vse
 and to take profite of them with a
 prouiso, that who had the vse and
 fruite of any such thinges left or
 geuen him, should receaue the
 thinges.

things, and should bynd him selfe to restore so much monie agayne at his death (if it were monie) or els the value of them, if they were wine, oyle, or corne.

To our purpose it is to be noted, that the lawyers confessed these things not to haue properly any vse and fruite, which might be separated from their proprietie. In so much that it was not possible to asigne vse and fruite vpon them: verely because it was against nature so to do. And Caius

saieth in this very case whereof we speake: *Senatusconsulto non id effectum est, ut pecunia ususfructus proprius esset. Nec enim naturalis ratio autoritate Senatus commutari potuit. sed remedio introducto cepit quasi ususfructus haberi.* It is not brought to passe by the decree of the Senate, that there be

*In Pandectis
de usus
fruct. carm
rerum que
usu consuq
lib. 2.*

a pro-

OF VSVRIE.

a proper vse and fruit of monie.
*For natural reason could not be chā-
ged by the authoritie of the Senate.*
But a shift being found, there be-
ganne as it were a certaine vse and
fruite of mony to be taken and ac-
compted.

Thus, that which by witte of
man might be deuised in a world-
ly common weale, was done for
profitte and commodities sake a-
gainst nature it selfe. But that de-
uise which th'Emperour speaketh
of, doth not properly apperteine
to vsurie: for there the questiō was
only, whether it might be brought
to passe, that a man not being lord
and owner of them, might yet
take fruite and profitte of those
thinges whiche are wasted with
the vsing. And when the lawyers
had deuised, that it should be done,
as it might be done: that is, with
a pro-

a prouiso, to restore agayne the value of the thing after a certayne time: they dyd then deuise no more, but howe he that had the vse of the thinge, might in the meane tyme be dettor of yt for the lordes safegard, to whom the proprietie belonged: not adding, that he should pay any thinge for the vse of that whereof he was dettor: for that is an other questio, and we shal see hereafter howe yt may be determined.

First lette vs agree herevpon, that it is in truth and in nature impossible, to diuide the vse of those thinges which are geuen to lone from the proprietie and ownorship of them. But the ciuil lawe deuised a shift, that the lord and ownor receauing a caution for the valew, should suffer him to whom the profit was assigned, to enioy

H the

OF VSFRIE.

the thing fräckly and freely in the meane season . Now this Caution which was geuen to the lord and ownor of those thinges , did stand to him in stead of his propriety. But if we looke to the truth it self, the lorde hath for the tyme lost the propriety of the oyle, corne, wine, or monie, whiche he delyuered to the vsufructuarie : for the vse and proprietie of them can not be separated.

If the Ciuill lawe sawe and confessed this muche , what so euer shifte or prouiso yt made to frame the matter otherwyse: once yt was not done accordinge to truthe , but by wittie meanes and counterpeyses , whiche were not vnlawful , so long as no man had iniurie by them. For the name only being changed, yt might haue bene sayed thus : If any man will
be.

bequeath the vse and fruite of wyne, oyle, or monie: the heyer or executour shalbe bounde, to lende the legatarie so muche vpon an obligation, to haue the same quantitie restored at hys death or otherwise as the thing requireth. And seeing this were an honest legacie, the other also may haue an honest meaning, if yt be sayed: I bequeathe the vse and fruite of twentie poundes to such a man during his life. Neither doth this proue any whit, that vsurie was allowed by the ciuill lawe, but rather that yt was iudged for an impossible thing, if none other thing be done besydes that, which the lawe of nature and of nations hath determined.

What say we then? Doth not the Ciuill lawe permitte vsurie? I aunswer, that yt permitteth

H ij

yt not

OF VSRIE.

yt not as a thing that can aryse of the contract of geuing to lone: but expressely teacheth, that vsurie must be sette about by an other way, or ells yt can not be brought to passe at al. and that other way whereof the ciuil lawe speaketh, is not able to discharge any mans conscience who shal take vppon him to follow yt.

In Pandectis
de p⁴
lib. 3.
Si ti decē.

Proculus the lawyer writeth thus: *If I geue or delyuer thee tenne thousand, and bargain that thou shalt owe me twenty thousand: there ariseth no obligatiō in any more then in tenne thousand. Re enim non potest obligatio contrahi, nisi quatenus datū sit.* For an obligation can not be made, touching a thing, but so far forth as it is delyuered. For when a man is bound by the delyuerie of the thinge yt selfe (as yt cometh to passe in geuing to lone) the

the obligation can be none other,
then as farre as the thing was ge-
uen or delyuered.

Lyke wise *Vlpian* writeth: *Si de-
cem dederō, ut undecim debeas, Pro-
culus putat, amplius quā decem cō-
dici non posse*. If I geue or delyuer
tenne, for this end, to make thee
dettor of eleuē: *Proculus* thinketh,
that no more can be certainly de-
maunded but tenne.

Lib. 11. in
Pandectis
de rebus
creditis.

Marke, in what sort these men
speake. There can be no obligation
of dette aboue the summe that is de-
lyuered. Which thing sith yt is so,
doubtlesse there cā be no obligatiō
of vsury, no, not so much as by the
ciuil lawe in the contract of geuing
to lone. For in vsurie the dettor is
bound (at the least in the expecta-
tion of the vsurer) to restore more
then he tooke. Yea farther I saye,
that any such obligation, whereby

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more then was delyuered should be looked for, is not only not conteyned in the contract of geuing to lone: but it is also against the nature of that contract.

For if it were not against the nature thereof by a bargaine made at the tyme of the contracte, it would be so annexed and incorporated to the contracte, that yt should be accompted a part thereof. For the lawyers confesse, that what soeuer bargaines (not contrarie to that which is in hand) are made at the tyme of couenancing or of deliuerie, shal stand for good, and the performance of them may be required by the proper action of the same contract. But seeing when I delyuer tenne to lone, and bargayne for twenty, I can not demaunde twentie by the same action, whereby I demaund the
tenne

tenne whiche I delyuered : yt is cleere, that the bargaine for twenty was suche, as could neuer be graffed in the former contracte of geuing to lone. What then? shall not vsurie be couenaunted for, and also be demaunded in iudgement by the Ciuill lawe? Yeas. But that must not be done by the force of geuing to lone, nor by any bargayne depending therevpon, or adioyned vnto yt. How then? forsooth ther must be a forme of wordes conceaued besides the cōtract of geuing to lone, in the whiche forme of wordes the borrower shal answer and by promisse bind him selfe, to geue for such a summe thus much by the moneth, or by the yeare. And then by the ciuil lawe an action shalbe geuen against hym that promised suche vsurie : An action, I say, not of lone,

*I. lecta, in
Pandectis
si certum
petatur.*

OF VSVRIE.

but of the solemne obligation or bond of wordes.

Thus the matter was patched vp betwene the infidels in the old tyme. But if we shalbe as men ruled by reason, what other thing in natural truth was that solēne form of wordes, then a mere bargaine? What skilleth it, whether at the delyuerie of the tenne poundes, I say, (wol sir, here are tenne, but if you keepe them this whole yeare, you shal render me twelue poundes for them: and so euerie yeare, after the rate, fortie shillinges for them, and he sayth, he is content) Or ells, how say you sir, wil you geue me fortie shillinges for euerie yeare, wherein this ten poūdes is not restored? He answereth yea. In truth and natural honestie the former bargaine differeth not frō the later. and yet by the former I
had

had not bene bound, and by the latter I am. Why so? Because yt so pleased the Citizens of Rome: who would no man to be bound by his bare wordes, excepte they were conceaued in a solemne forme of asking and answeringe. And by that forme vsurie might be couenanted for, and was made due. Wherby we gaine no farther, but that the wisemen and lawiers censessing vsurie to be against nature, yet would haue yt to be lawfull, not by the lawe of nature, whence al good and right lawe is deriued, but only by the lawe of Rome, which when yt is not deduced from the lawe of nature, is no lawe, but only an Idol or false pretence of lawe.

And yet those Infidel Romans were so wise, and so naturally honest, as to confesse that vsurie could

OF VSURIE.

could not stand by nature, although being otherwise overcome by covetousnes, they sought how to make yt lawefull among them.

Rom. 1:

And so is yt fulfilled whiche S. Paule sayed of them: *Whereas they had knowen God by his creatures, they did not glorifie him as God: but*

Rom. 2:

vanished away in their owne foolish deuises, doing those thinges which themselves condemned as unlawful.

But touching that which we had principally to proue, the ciuill wisemen of Rome did not allowe vsurie, as a thing that either did naturally belong to the contracte of geuing to lone, or els that might be annexed thereunto: but they permitted it otherwise, as also thei did permitte fornication and diuorces. And yet the state of an vsurer is so muche worse then the state of a fornicator or of a harlot; be-

because although the fornicatour or harlot happen to make any filthie gayne by setting their bodies out to hyer : yet they are bounde to penaunce onely, and to the recompense of suche flaunder as they haue fallen into. But they are not bound to restore that monie which they tooke for their vile seruice. For as the lawyer saith: *Turpiter fecit q̄ sit meretrix, sed non turpiter accipit cū sit meretrix.* The harlot doth filthily in being an harlot: but seing she is an harlot, she taketh not her wagies filthiely. that is to say, by a filthy trade she yet maketh the monie her owne, as the which is due to her, when once she hath played the harlot.

But the vsurer doth not make the vsury his own at al, but he is bound to restore yt to him, of whome he

De cōdict.
ob turpem
causam
lib. 4.

OF VSURIE.

he tooke yt, as if he had stolen so much from him.

But now the men with whom we dispute, wil needes haue vsurie to be a reasonable contract by the lawe of nature, because they thinke that their owne monie is vsed, and therefore that rent is due to them for yt. Wherein they being Christians are more grossely deceaued, then euer the philosophers or ciuil lawyers were, both which wel sawe, that no such contract could stand in nature.

Exod. 13.

But as God geuing the two tables vnto *Moyse*s vpon the mount Sinay, did in maner nothing elles, but renew agayne the lawe of nature, which was in maner worne out of the Isralites hartes thorow euil education and custome: euen so Christ came into the world, to geue vs grace, whereby the sayd lawe

lawe of nature might be both exactly knowen, and sufficiently obserued of his members and seruantes: That lawe of nature, I say, which was at the beginning, and which was not corrupted by particular customes or lawes of euil men: that lawe which forbiddeth fornication, manie wiues, diuorces, vsurie, Simonie, and such like abuses, as are nowe growen in vse among corrupted men.

He therefore, that either taketh or hoapeth for vsurie vppon that which is geuen to lone, is not of Abels common weale, or a member of Christe (except he reconcile him selfe by dooing due pennaunce) but he is a member of the cōmon weale of Caine, whence the inuention of all peruerse lawes and earthly customes came.

If

OF VSVRIE.

If thou wilt be wise in God,
make him thy dettor: putte thy
monie into his handes, who will
laye it vp in heauen for thee, and
wil geue thee vsury and ouerplus
for it. *Pro. c. 19* *Faeneratur Domino, qui mise-*
retur pauperis, & vicissitudinem suā
reddet ei. He that taketh pitie of
the poore, geueth his mony to
God vppon vsurie, and God will
geue him his recompence.

*Certaine examples of vsurie, vvhereby yt
may the better be knowven, vvhat is vsu-
rie, and vvhat is not: and of the restitua-
tion vvhich the vsurer is bound to make.*

The x. Chapter.

IF vsurie be so contrarie (as yt
hath bene shewed) to the most
excellent vertue of almosdedes,
and to the most charitable contract
of geuing to lone: what remaineth
but that those who are hitherto
free

free from that vice, should nowe the more detest it: and those who by ignorance or frailtie are fallen into yt, should repent and make restitution of that which was vnlawfully gotten.

But for so much as euerie man is not able to vnderstand the general doctrine of vsury, vnlesse it be most euidently opened vnto him: I thought good, to make the matter yet more playne by certaine examples and cases as foloweth.

First (as I haue shewed before) al that is vsurie, which is bargained for, or taken, aboue the principal which was geuen to lone.

Secondly, vsurie consisteth not only in mony, but also in corne, wine, oyle, or any other thing that is geuen to lone, as yf I lend two bushels of corne at Easter, to receaue three for it at haruest,

Not

OF VSVRIE.

3. Not onely the takinge of any thing aboue the principal, but also the looking for yt, though yt be not taken, doth make him guyltie before God, who looketh or hoapeth for yt, by the reason of the lone. I say, he is therby guyltie before God: but he is bound to make no real restitution, if he take nothing of his neighbour.

4. But yt is otherwise, if any man geue or offer any thing, not in respect of the lone, but to shew him self mindful of a good turne receaued. For that which is so offered, may be lawfully takē, without any vsury committed: so that there be no fraude vsed therein, but that the intent and conscience of the receauer be vpright and free in that behalfe.

5. When the borrower vseth either yearely, or quarterly, or at cer-

any certaine tymes, to geue alwaies
one certaine thinge, and that also
in monie: yt worthely maketh the
receauer to be suspected as an vsu-
rer. And therefore yt were not
good so to do, if yt were but for
the sauing of a mans good name,
and for the auoyding of slaunders
and offences. But yet whether the
receauer be in dede an vsurer or
no before God, it dependeth alto-
gethers vpon his conscience: which
if it looke not for the brybe, and
likewise if he lent not his monie
for that end, or leaue not the mo-
ny therefore in the others handes:
he may be free from the vice of
vsurie.

I can not easely deuise, how he
should be excused frō vsurie, who
though he bargaine for no gaynes,
yet not tarrieng till his monie or
stufte be borrowed of him, seeketh

out a merchaunt of his owne accord by whome yt may be vsed: and taketh what so euer the merchaunt offereth him yeaerly. For his deede seemeth to importe a mental vsurie: except he seeke him out only for charities sake, because he would not haue his monie lye by him idle, whereas yt may do another man good.

r. If I haue to do in other countries, and therefore causing the value of my monie to be made ouer by a bill of exchange, do let my mony lye in the exchaungers hand, to th'end I may receaue more in euerie pound, then the iust value by exchange cometh to (whiche is called geuing to vsance) it is the vice of vsurie. For the length of the tyme can neuer be any iust cause, why I should receaue more then I deli-
uered

uered, sith it is straight his monie
who receaueth yt, and yt stan-
deth at his perill. And therefore
he payeth me for the vse of his
owne, which is vniust.

Who so selleth his wares the
derer, onely because the monie
is not payed him out of hande,
requireth that ouerplus of monie
onely for the tymes sake, and that
is a kynde of vsurie. For yf the
seller, who should haue receaued
(for example sake) fourtie shil-
linges for his oxe, demaund se-
uen nobles, because he shall not
be payed before the quarter day:
he dothe (as it were) lende the
bier fourtie shillings for so longe
tyme, to receaue for it one noble
ouerplus, whiche is euident v-
surie.

The lyke is, if contrarie wise I
owing one hundred poundes at a

I ij

cer-

OF VSVRIE.

certaine day, do pay tenne poundes the lesse, only because I paie it before the day. For the monie which at the day should be due, is as it were lent for so long vpon ten poundes in the hundred.

10.

He that bying a pece of ground vnder the price, afterward setteth yt forth to be hyered of the seller, in such sorte that he may receaue (for examples sake) fyue or six in the hundred aboue that which he gaue, committeth vsurie. For although yt be lawfull to receaue gaines and rétes of a mans owne landes: yet this land was not iustly the byers, but rather he lent his monie for vsurie, and cloaked the matter with the name of bying.

11.

If I lend monie vpon the pledge of certaine groundes or howses, taking vp in the meane tyme the frutes of the same groundes or howses

howses, and afterward receaue my principal againe, yt is vsurie. For I ought to take the fruites no longer, then til I haue my own principal, and in that case not to receaue any other monie. the rest is vniustly taken. But those are only to be accompted fruites whiche remaine, al iust burdēs excepted and debated.

Euerie daunger of the monie or cause of doubt, doth not take away the vice of vsurie, except the daunger or doubt doo consist rather in that which may happen in the price of the thing it selfe, then in the only respect of tyme. For who so euer taketh ouerplus in respect of tyme only that an other keepeth his monie, though he be content to aduenture the peril of carrieng that monie ouer the sea, yet he thereby auoydeth not vsu-

I iij

rie, be-

12.

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OF VSPRIE.

ry, because his bargaine groundeth vpon the gaines of that time wherein the mony is none of his owne.

13.

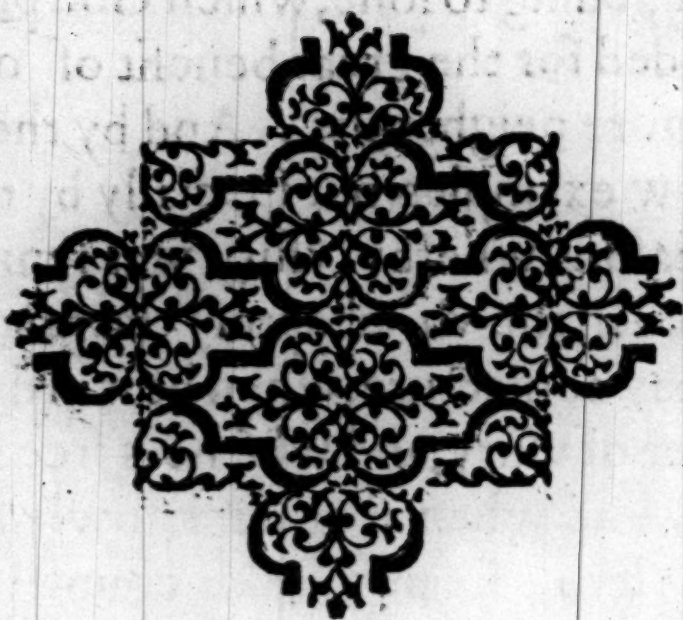
When any man hath committed vsurie, he is bound to make restitution to him, or his heires, or assigns, of whom he tooke that vniust gaines : except the partie that hath right to that mony, do freely and without al constraint or circūuention forgeue the det. But who so wil be sure that he is forgeuen, I counsel him first of al, to take his principal out of the merchauntes hand, without putting him in hope to haue it againe, least if he aske forgeuenes whilest the monie lyeth in his handes, he do force the merchant to forgeue hym, who feareth if he should not so do, he should no longer enioy the mony: but whē he hauing takē vp his principal, hath the det afterward freely for-

forgeue him: then would I exhort
him also, rather to lette the honest
merchant freely to vse his mony,
then that it should lye idle by him.

Thus haue I briefly geuent (as it
were) a taste of the matter of vsury:
As minding to prouoke him that
before thought little thereof, to be
hereafter the more carefull and
feareful, least he abuse the contract
of geuing to lone, which God pro-
vided for the great benefit of our
poore neighbours. And by these
few examples (but specially by the
reasons wherby vsury was repro-
ued in the vij. chapter) the reader
may coniecture, when he is in dan-
ger of vsury, and whe he is free fro
it. And when al other knowledge
fayleth, he may aske counsel of
some learned and discreete man,
who is hable to shewe him that,
whiche lacketh in this Treatise.

OF VSURIE.

For my chiefe purpose herein was
only to shew, how great a vice
vsurie is euen according to the
lawe of nature, and howe warie
and careful men ought to be
in auoyding and es-
chewing the
same.



Scriptum hoc de usura lectum & approbatum est à viris sacre Theologiae & Anglici idiomatis peritissimis. quare tuto enulgari & imprimi posse Iudico.

*Cunerus Petri, Pastor S.
Petri Louanij, 8. April.
An. 1568. stylo communi
seu Romano.*

THE CHAPTERS,
and Contentes of this
Treatise.

The first
Chapter.

THE occasion of this Treatise,
and the argumentes which
are commonly made for the
defence of usury, and what is usu-
rie. fol. 1.

2. That usurie is forbidden by Gods law
under the paine of euerlasting
damnation. fol. 3. b.

3. Whence bargaines procede, and why
Almosdeedes are so acceptable to
God. fol. 8. a.

4. Of geuinge to lone, or of lendingge,
which are naturally free con-
tractes. fol. 13. b.

5. How much it importeth, that the
boundes and limites of euerie con-
tract belonging to the law of na-
tions, should be inuiolably kept
and maintayned. fol. 22. b.

That

That the vsurer in setting out his
mony for gayne, doth, and can not

but geue his mony to lone. fol. 28. a

How heynouse, and how much against

the nature of geuing to lone, and

against the law of al Nations the

vice of vsurie is. fol. 33. a.

That the Heathens condemned vsu-

rie. fo. 50. b.

That the Ciuil lawe doth not ac-

knowledge vsurie to spring or arise

of the nature of such things as are

geuen to lone, but rather to be cō-

trarie thereunto. fol. 53. a

Certaine examples of vsurie, wher-

by yt may the better be knowen,

what is vsurie, and what is not:

and of the restitution which the

vsurer is bound to make. fol. 62. b

FAVLTES ESCAPED in printing.

Faultes	Pag.	Lin.	Corrections.
it to	14.	b. 7.	it is to.
seemeth the	24.	a. 5.	serueth the
And the	40.	a. 19.	And as the
Is to	41.	b. 13.	It is to
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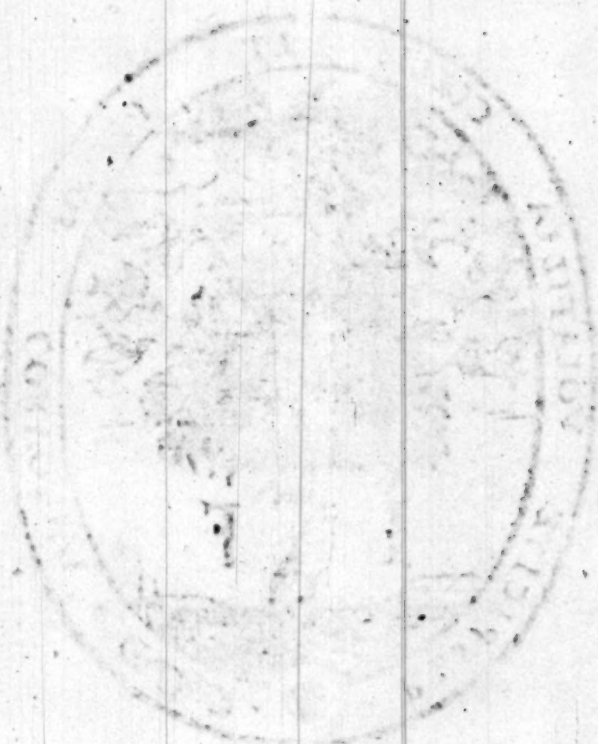
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Inbet nos Christus multum dare
perennia, non tamen sub deservio:
quia qui sub deservio multum dat, in
prima quidem specie, sua videtur da-
re, re vera tamen non sua dat, sed
alterius tollit. Nam videtur quod
necessitati succurrere, re vera
autem in maiore mittit necessita-
te. De uno vinculo solvit, et mul-
tis vinculis alligat. Et non propter
iustitiam dei dat, sed propter ipsam
luxuriam. Similis enim est perennia
deservaria aspidibus morsui. Sicut
enim qui ab aspidem percutitur, quasi
delectatus vadit in somnum, et
sic per suavitatem serpentis morit.
Sic et qui accipit sub deservio, et
tempore delectatur, quasi qui bene-
ficium accipit: et sic per suavitatem

beneficij, non sentit qui rapinam
efficitur. Nam sicut venenum as-
pidis latenter per omnia membra
diffundit et corrumpit: sic
usura per totas facultates eius
diffundit et convertit eas in
debitum. Sicut enim fermentum
modicum quod mittitur in multam
farinam, tota conspersione cor-
rumpit et trahit illa, et facit
illa tota fermentum: sic cum
usura in domum aliquam intro-
ierit, tota substantia eius ad se
trahit et convertit in debitum.
Crisost. 550. fol. r. tom. 2.

Usura prohibetur quia uterque magni
damno afficitur, nam debitor quidem in-
opia atteritur, creditor autem augens diui-
tias & peccatorum accumulatur sibi multitu-
dinem. Crisost. to. 1. fol. 220. d.

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